

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ZWG TRUST,

Plaintiff,

v.

5 STAR LIFE INSURANCE COMPANY, *et al.*

Defendants.

Case No.: 3:14-cv-00347-LRH-WGC

Consolidated Case Numbers:
3:14-cv-0347-LRH-WGC
3:14-cv-0418-LRH-WGC

5 STAR LIFE INSURANCE COMPANY,

Plaintiff,

vs.

WILLIAM R. LENHARD, II and
ZWG TRUST,

Defendants.

ORDER

Before the court is defendant 5 Star Life Insurance Company's ("5 Star") motion to transfer venue to the District of Montana, Great Falls Division. Doc. #6.¹ Plaintiff ZWG Trust filed an opposition (Doc. #16) to which 5 Star replied (Doc. #18).

I. Facts and Procedural History

This action was initiated by ZWG Trust as purported owner of life insurance policies taken out on behalf of members of the First Nations Tribe against 5 Star, the insurer, alleging that 5 Star wrongfully rescinded the insurance policies.

¹ Refers to the court's docket number.

1 On June 3, 2014, ZWG Trust filed a complaint in federal court in the District of Nevada.
2 Doc. #1, Exhibit A. Thereafter, 5 Star filed the present motion to transfer venue to the District of
3 Montana. Doc. #6.

4 **II. Discussion**

5 A district court may transfer any civil action to another district where the action may have
6 been brought in the interest of justice and for the convenience of the parties and witnesses.
7 28 U.S.C. § 1404(a). A court evaluating a motion to transfer venue weighs multiple factors
8 including the parties' contacts with the chosen forum, the ease of access to sources of proof and
9 witnesses, and the difference in the cost of litigation between the two districts. *See Jones v. GNC*
10 *Franchising, Inc.*, 211 F.3d 495, 498 (9th Cir. 2000).

11 Here, those factors weigh in favor of transferring venue. First, neither party is domiciled in
12 Nevada. Plaintiff ZWG Trust is organized under Canadian law and is located in Alberta, Canada
13 while defendant 5 Star is a Louisiana company with its main office in Virginia. Second, this action
14 involves insurance policies issued to residents of Montana and subject to Montana law. Third, the
15 vast majority of relevant witnesses are located outside of Nevada. Finally, the costs of discovery
16 and litigation in Nevada are substantially higher than Montana because of the travel costs involved
17 for the multiple parties and witnesses residing outside of the state. Accordingly, the court shall
18 grant 5 Star's motion and transfer this action.

19 IT IS THEREFORE ORDERED that defendant's motion to transfer venue (Doc. #6) is
20 GRANTED. The clerk of court shall TRANSFER this action, 3:14-cv-0347-LRH-WGC, as well as
21 consolidated action 3:14-cv-0418-LRH-WGC, to the United States District Court for the District of
22 Montana, Great Falls Division.

23 IT IS SO ORDERED.

24 DATED this 13th day of January, 2015.

25 
26 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE